

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.237 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Md. Akbar S/O MD. ISRAIL R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.
2. MD. DOMAN @ MD. HABIB S/O RAHIM MIYA R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.
3. MD. MUMTAZ S/O HABIB @ DOMAN R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.
4. MD. SHAKUR @ MD. SHAKUR MIYA S/O ABDUL MIYA R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.
5. MD. LAL BABU @ DISCO S/O ASHOK TURHA R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.
6. MD. BABLU S/O ASHOK TURHA R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMILA DEVI W/O SONE LAL PASWAN R/O VILLAGE- JAGDISHPUR, P.O- MUSAPUR, PS. SARAI RANJAN (GHATAHO) DISTT. SAMASTIPUR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Praveen, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Kumar Praveen, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.



3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 08.12.2023 passed by the learned Court of Special Judge SC/ST (POA) Act, Samastipur in connection with Sarairanjan (Ghataho) P.S. Case No. 206 of 2023, F.I.R. dated 12.07.2023 registered under Sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 (1) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 08.07.2023, the appellants along with other accused persons came to her door and started abusing her and her family members. On protest, they assaulted the informant and outrage the modesty of her daughter-in-law and snatched gold earring worth of Rs.4500/-. When the informant and her husband went to save their daughter-in-law, th accused persons abused them by taking their caste name.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that the occurrence took place at the house of the informant which is not a public place, so no case is made out under SC/ST Act and apart from that there is allegation against the appellant no.1 that he assaulted the daughter-in-law of the informant but no injury report is available on record which suggest that anyone of the family member of informant



have received injury.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that appellant nos.1 and 4 have clean antecedent and appellant no. 5 and 6 have one criminal antecedent in which they are on bail.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances, the occurrence took place at the house of the informant which is not a public place, so no case is made out under SC/ST Act and no injury report is available on record which suggest that anyone of the family member of informant have received injury, let the appellants, above named, in the event of their arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of Special Judge SC/ST (POA) Act, Samastipur in connection with Sarairanjan (Ghataho) P.S. Case No. 206 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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